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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/436,882      | 11/09/1999  | DON A. VAN DYKE      | 0100.9900960        | 7260             |

7590                    07/01/2002

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EXAMINER

TREAT, WILLIAM M

ART UNIT

PAPER NUMBER

2183

DATE MAILED: 07/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



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[REDACTED] EXAMINER

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## Office Action Summary

|                               |                          |
|-------------------------------|--------------------------|
| Application No.<br>09/436,832 | Applicant(s)<br>Van Dyke |
| Examiner<br>W. TREAT          | Group Art Unit<br>2183   |

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 (three) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication .
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

### Status

- Responsive to communication(s) filed on 11/9/99
- This action is FINAL.
- Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

- Claim(s) 1-14 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- Claim(s) \_\_\_\_\_ is/are allowed.
- Claim(s) 1-14 is/are rejected.
- Claim(s) \_\_\_\_\_ is/are objected to.
- Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

### Application Papers

- See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.
- The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- The specification is objected to by the Examiner.
- The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119 (a)-(d)

- Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- All  Some\*  None of the CERTIFIED copies of the priority documents have been received.
- received in Application No. (Series Code/Serial Number) \_\_\_\_\_
- received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

### Attachment(s)

- Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_  Interview Summary, PTO-413
- Notice of Reference(s) Cited, PTO-892  Notice of Informal Patent Application, PTO-152
- Notice of Draftsperson's Patent Drawing Review, PTO-948  Other \_\_\_\_\_

## Office Action Summary

Art Unit: 2183

1. Claims 1-18 are presented for examination.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1-4, 6, 10-13, and 15 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by Guttag et al. (Patent No. 6,173,394)
4. The examiner would suggest applicants read col. 130, line 42 through col. 131, line 51, at a minimum, before responding.
5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2183

6. Claims 5, 7-9, 14, and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guttag et al. (Patent No. 6,173,394) in view of applicant's specification.

7. As to claims 5, 7-9, 14, and 16-18, applicant's specification makes clear the concept of emulating X86 CISC instructions with RISC instructions is well-known, prior art as is the knowledge that such emulation can result in undesirable alteration of condition codes if not carefully controlled. One of ordinary skill in the art would be motivated to utilize Guttag's teaching of bits within the instruction controlling modification of the condition codes with such prior art emulation systems because it enables finite, instruction-level control of such modification without the necessity of storing values and all the related control issues as in prior art systems.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William M. Treat whose telephone number is (703) 305-9699. The examiner is part of a pilot work-at-home project in which he works from home one day each week, and he works a flexible schedule, but he can normally be reached during the afternoons and evenings on four of the five weekdays.